

JUL 02 2007

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: Toshiro OMORI et al.

Group Art Unit: 1655

Application Number: 10/511,725

Examiner: Amy Lynn CLARK

Filed: October 19, 2004

Confirmation Number: 2520

For: COMPOSITION OBTAINED FROM BARLEY SHOCHU STILLAGE AND HAVING  
ACTIVITY OF INHIBITING ONSET OF ALCOHOLIC HEPATOPATHY AND  
ACTIVITY OF HEALING IT AS WELL AS EXCELLENT PALATABILITY, AND  
PROCESS FOR PRODUCING THE SAME

Attorney Docket Number: 042872

Customer Number: 38834

VIA FACSIMILE - 34 pages (including this cover)

Mail Stop RCE

Commissioner for Patents

POB 1450, Alexandria, VA 22313-1450

Transmitted to USPTO Central Fax No. 571-273-8300

SUBMISSION OF DOCUMENTS

Sir:

Applicants hereby transmit the attached

1. RCE transmittal (1p),
2. Amendment Transmittal (1p);
3. Petition for Extension of Time for 2 months (1p),
4. Amendment under 37 C.F.R. §1.114 (19p),
5. Baraona (Fatty Liver, Hyperlipemia, and Erythrocyte Alterations Produced by Ethanol Feeding in the Rat) (2p),
6. Lieber (Alcohol, Nutrition, and the Liver) (2p),
7. Lieber et al (Sequential Production of Fatty Liver, Hepatitis, and Cirrhosis in Sub-Human Primates Fed Ethanol with Adequate Diets) (6p) and
8. <http://cancerweb.ncl.ac.uk/cgi-bin/omd?stillage> (Definition of Stillage) (1p)

in connection with the above-identified application.

CERTIFICATE OF TRANSMISSION

I hereby certify that Applicants hereby transmit the above listed documents via the USPTO Central Fax No. 571-273-8300 on July 2, 2007.

  
Lee C. Wright

Reg. No. 41,441

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JUL 02 2007

PTO/SB/30 (08-08)

Approved for use through 07/31/2008. OMB 0851-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**Request  
For  
Continued Examination (RCE)  
Transmittal**Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	10/511,725
Filing Date	October 19, 2004
First Named Inventor	Toshiro OMORI
Art Unit	1655
Examiner Name	Amy Lynn CLARK
Attorney Docket Number	042872

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

- Submission required under 37 C.F.R. § 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
  - ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
    - ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on
    - ☐ Other
  - ☒ Enclosed
    - ☒ Amendment/Reply
    - ☐ Affidavit(s)/Declaration(s)
    - ☐ Information Disclosure Statement (IDS)
    - ☒ Other **((1) Petition for Extension of Time - 2 months)  
(2) Amendment Transmittal)**
- Miscellaneous**
  - ☒ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of three (3) months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(f) required)
  - ☐ Other
- Fees** The RCE fee under 37 C.F.R. § 1.17 (e) is required by 37 C.F.R. § 1.114 when RCE is filed.
  - ☐ Check in the amount of \$ 0.00 enclosed
    - ☒ RCE fee required under 37 C.F.R. § 1.17 (e) \$780.00
    - ☒ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17) \$450.00
    - ☒ Other=\$130.00 (Fee for Suspension of Action under 37 C.F.R. §§1.103(c)) and 1.17(f) & \$50.00
  - ☒ The Director is hereby authorized to charge 1,420.00 and any additional fees in connection with filing of this paper or credit any overpayments, to Deposit Account No. 60-2888.
  - ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type)	Lee C. Wright	Registration No. (Attorney/Agent)	41,441
Signature	<i>Lee C. Wright</i>	Date	July 2, 2007

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	Lee C. Wright	Registration No. (Attorney/Agent)	41,441
Signature	<i>Lee C. Wright</i>	Date	July 2, 2007

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 38 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

JUL 02 2007

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**In re the Application of: **Toshiro OMORI et al.**

Group Art Unit: 1655

Application Number: **10/511,725**Examiner: **Amy Lynn CLARK**Filed: **October 19, 2004**Confirmation Number: **2520**

For: **COMPOSITION OBTAINED FROM BARLEY SHOCHU STILLAGE AND HAVING ACTIVITY OF INHIBITING ONSET OF ALCOHOLIC HEPATOPATHY AND ACTIVITY OF HEALING IT AS WELL AS EXCELLENT PALATABILITY, AND PROCESS FOR PRODUCING THE SAME**

Attorney Docket Number: **042872**Customer Number: **38834****AMENDMENT TRANSMITTAL**

Mail Stop RCE  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450  
Sir:

July 2, 2007

Transmitted herewith is an Amendment in the above-identified application. The fee has been calculated as shown below.

	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total (37 CFR 1.16(c))	6	Minus	6	= 0
Independent (37 CFR 1.16(b))	29	Minus	28	= 1
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))				

SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
RATE	ADDI- TIONAL FEE		RATE	ADDI- TIONAL FEE
X \$25		OR	X \$50	.00
X \$100		OR	X \$200	\$50.00
+ \$180		OR	+ \$360	.00
TOTAL ADD'L FEE			TOTAL ADD'L FEE	\$50.00

Enclosed please find our check in the amount of \$50.00 for the additional claims fee in connection with this Amendment.

X

The Commissioner is hereby authorized to charge payment for any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-2866.

10/511,725

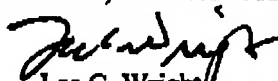
Respectfully submitted,

07/10/2007 LLANDGRA 00000028 502866

1051 WESTERMAN, HATTORI, DANIELS &amp; ADRIAN, LLP

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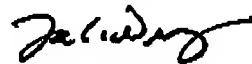
50.00 DA

  
Lee C. Wright  
Attorney for Applicants  
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Telephone: (202) 822-1100  
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LCW/af

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that the attached Amendment Transmittal (1p) is being formally transmitted via the USPTO Central Fax No. 571-273-8300 on July 2, 2007.



Lee C. Wright  
Reg. No. 41,441